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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,611	02/21/2001	Richard Carr	1330.1089	4560

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EXAMINER	
GEDRICH, SARAH R	
ART UNIT	PAPER NUMBER

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/788,611

Applicant(s)

CARR ET AL.

Examiner

Sarah R. Gedrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-13,16-25,28-31,62-65,68-85 and 89-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-13,16-25,28-31,62-65,68-85 and 89-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 March 2005 has been entered.

### ***Response to Amendment***

Claims 3, 9, 14-15, 26-27, 35-37, 45-46, 56-58, and 67 were previously canceled. Claims 32-34, 38-44, 47-55, 59-61, 66, and 86-88 are presently cancelled. Claims 1, 6, 10, 25, 28-29, 62, 73, 78, and 83 are currently amended. Claims 1-2, 4-8, 10-13, 16-25, 28-31, 62-65, 68-85, and 89-92 are currently pending and have been examined in this Non-Final Office Action.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-2, 4-8, 10-13, 16-25, 28-31, 62-65, 68-85, and 89-92 rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al. (US Patent No. 6,598,026,**

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**hereinafter referred to as “Ojha”) in view of Gardner et al. (US Patent No. 5,758,327, hereinafter referred to as “Gardner”).**

Ojha discloses methods and apparatus for brokering transaction, which include maintaining profiles including business rules. Ojha further discloses:

1. Referring to claim 25. A method comprising:
  - dynamically maintaining a plurality of organizational profiles associated with users, each profile including business rules that include characteristics and approvers for those characteristics (Ojha: column 15, line 11 – column 16, line 33);
  - receiving, by a shared executable hosted e-procurement system, from a user a purchase request associated with purchase characteristics that match the characteristics of the profile associated with the user (Ojha: column 2, lines 47-62);
  - automatically seeking approval, by the shared executable hosted e-procurement system, from the approvers for the characteristics of the profile (Ojha: column 10, lines 30-62) (The Examiner notes that the reviewers are approvers.);
  - modifying the business rules using an organizational profile editor which modifies the organizational profile including the business rules (Ojha: column 16, line 5 – column 17, line 16); and
  - wherein the method is performed by a single executable of the shared executable hosted e-procurement system for a plurality of applications systems,

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the single executable being shared by each of the users (Ojha: column 8, lines 49-65);

- wherein the single executable comprises a single executable program running in memory on the shared executable hosted e-procurement system (Ojha: column 8, lines 49-65);
- wherein the modified business rules are used in the implementing without a need for recompiling a program, which implements the business rules (Ojha: column 16, line 5 – column 17, line 16);
- wherein multiple organizational profiles are maintained for multiple users simultaneously (Ojha: Figure 1; Column 2, lines 47-62);
- wherein each user is associated with one organizational profile (Ojha: column 8, line 58 – column 9, line 9);

Ojha discloses the discussed above. Ojha fails to disclose transmitting financial information, by the shared executable hosted e-procurement system, to one of a plurality of financial systems after all seeked approvers consent to the purchase, wherein the characteristics comprise product categories and dollar amount ranges, wherein the business rules include workflow rules in which approval is sought for multiple parties in a sequence, wherein the applications systems comprise financial systems, and wherein the financial system comprises an application used to track and manage financial resources. Gardner teaches an electronic requisition and authorization process. Gardner further teaches:

- transmitting financial information, by the shared executable hosted e-procurement system, to one of a plurality of financial systems after all seeked approvers consent to the purchase (Gardner: Figure 1; column 2, lines 1-6);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ojha to include transmitting financial information, by the shared executable hosted e-procurement system, to one of a plurality of financial systems after all seeked approvers consent to the purchase as taught by Gardner in order to consummate the transaction (Ojha: Column 18, lines 62-66).

- wherein the characteristics comprise product categories and dollar amount ranges (Gardner: column 8, lines 10-14);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ojha to include wherein the characteristics comprise product categories and dollar amount ranges as taught by Gardner in order to develop data for business rules (Ojha: column 4, lines

- wherein the business rules include workflow rules in which approval is sought for multiple parties in a sequence (Gardner: Column 5, lines 16-21);

It would have been obvious to modify Ojha to include wherein the business rules include workflow rules in which approval is sought for multiple parties in a sequence as taught by Gardner in order to support buyers that are employees of a corporation (Ojha: column 8, line 67 – column 9, line1).

- wherein the applications systems comprise financial systems (Gardner: Figure 1);

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It would have been obvious to modify Ojha to include wherein the applications systems comprise financial systems as taught by Gardner in order to consummate the transaction (Ojha: Column 18, lines 62-66).

- wherein the financial system comprises an application used to track and manage financial resources (Gardner: Figure 1; column 8, lines 52-64);

It would have been obvious to modify Ojha to include wherein the financial system comprises an application used to track and manage financial resources as taught by Garner in order to allow corporate buyers to keep track of inventory and spending (Ojha: column 20, lines 51-52).

2. Referring to claims 1-2, 4-8, 10-13, 16-24, 28-31, 62-65, 68-85, and 89-92.

Claims 1-2, 4-8, 10-13, 16-24, 28-31, 62-65, 68-85, and 89-92 are rejected under the same rationale as set forth above in claim 25.

### ***Response to Arguments***

Applicant's arguments, see Examiner Interview Summary, filed 22 March 2005, with respect to 35 USC 101 have been fully considered and are persuasive. The rejection of claims 32-34, 38-44, 47-55, and 59-61 has been withdrawn.

Applicant's arguments regarding the rejection under 35 USC 103(a) filed 29 March 2005 have been fully considered but they are not persuasive.

Applicant argues:

- **"Ojha does not disclose dynamically maintained organizational profiles."**

In response to this argument, the Examiner notes that Ojha discloses specifying and modifying business rules (column 16, lines 5-58) and further discloses buyer reputation, demand curve, and bundle bid creations (column 21, lines 41-52) which are dynamic responses maintained in the profiles.

- **“Ojha does not disclose users being associated with organizational profiles.”**

In response to this argument, the Examiner notes that Ojha discloses buyer may be an employee at a corporation (column 8, line 67- column 9, line 1) and the system further including the corporation keeping track of inventory and spending (column 20, lines 45-52).

- **“Ojha does not disclose or suggest a shared executable which implements a respective user requested transaction by respective user with an application system by accessing the organizational profile associated with the respective user and implementing the business rules contained in the accessed organizational profile.”**

In response to this argument, the Examiner notes that Ojha discloses electronic commerce solution using business rules associated with the buyer who is an employee at a corporation (column 8, line 67- column 9, line 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (571)




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272-8121. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRG  
28 June 2005



Primary Examiner